

A-6046  
Variance Request

Construct a fence measuring a maximum of six feet, four inches (6'-4") in height along the north property line measuring approximately seventy-six (76) feet in length from the east property line and then turning at a right angle to the south and measuring twenty-five (25) feet in length, including a curved section. The portion of fence along the north property line would be located twenty-six (26) inches from the West Irving Street public sidewalk.

Mr. & Mrs. Martin J. Weinstein  
5815 Cedar Parkway

## 5815 Cedar Parkway



**Figure 1: View of 5815 Cedar Parkway. The proposed fence location is on the left, parallel to the sidewalk, in the West Irving Street front yard. At the large pine tree the proposed fence returns to the house.**



**Figure 2: View of the West Irving Street front yard. The proposed fence would be parallel to the sidewalk and located between the hollies and the sidewalk. At the large pine tree (to the right) the fence returns to the house.**

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 12<sup>th</sup> day of December, 2011 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6046  
MR. & MRS. MARTIN J. WEINSTEIN  
5815 CEDAR PARKWAY  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct a fence measuring a maximum of six feet, four inches (6'-4") in height along the north property line measuring approximately seventy-six (76) feet in length from the east property line and then turning at a right angle to the south and measuring twenty-five (25) feet in length, including a curved section. The portion of fence along the north property line would be located twenty-six (26) inches from the West Irving Street public sidewalk.

**The Chevy Chase Village Code § 8-22 (f) states:**

No person shall construct any fence or wall which exceeds forty-eight (48) inches in height at any location between the front lot line and the front building restriction line.

**The Chevy Chase Village Code § 8-22 (b) states:**

No person shall construct any fence or wall on private property within three (3) feet of a public sidewalk....

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 1<sup>st</sup> day of December, 2011.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**



# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

<b>Subject Property:</b> 5815 Cedar Pkwy	
<b>Describe the Proposed Project:</b> Putting up fencing of various types to enclose our rear yard. See attached drawings for more detail. Support from neighbors will follow.	
<b>Applicant Name(s) ( List all property owners):</b> Martin and Lori Weinstein	
Daytime telephone: 240.396.6286	Cell: 202.294.7479
E-mail: loriannweinstein@gmail.com	
Address (if different from property address):	
For Village staff use:	
Date this form received: 11/28/11	Variance No: A-6046

### Filing Requirements:

**Application will not be accepted or reviewed until the application is complete**

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Lori Weinstein  
 Applicant's Signature: Martin

Date: 11/28/11  
 Date: 11-28-11



**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

Our home is on a corner lot, so our side yard and part of ~~that~~ our back yard is technically considered "front yard" under the CCV regulations. Our situation is similar to many other corner lots in the Village, including the home at the corner of Grafton St. and Cedar Pkwy, which just installed a 6ft. fence along the side of the sidewalk.

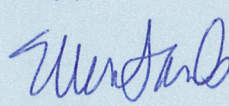
Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

We would like to fence in our yard so that we can play with our dog and children in the back without fear that they will run out into Cedar Pkwy or Irving St. On the Irving St. side and rear line, the fencing will blend beautifully with existing higher foliage. The picket fencing facing the front and the driveway is architecturally consistent with the home and an attractive addition.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

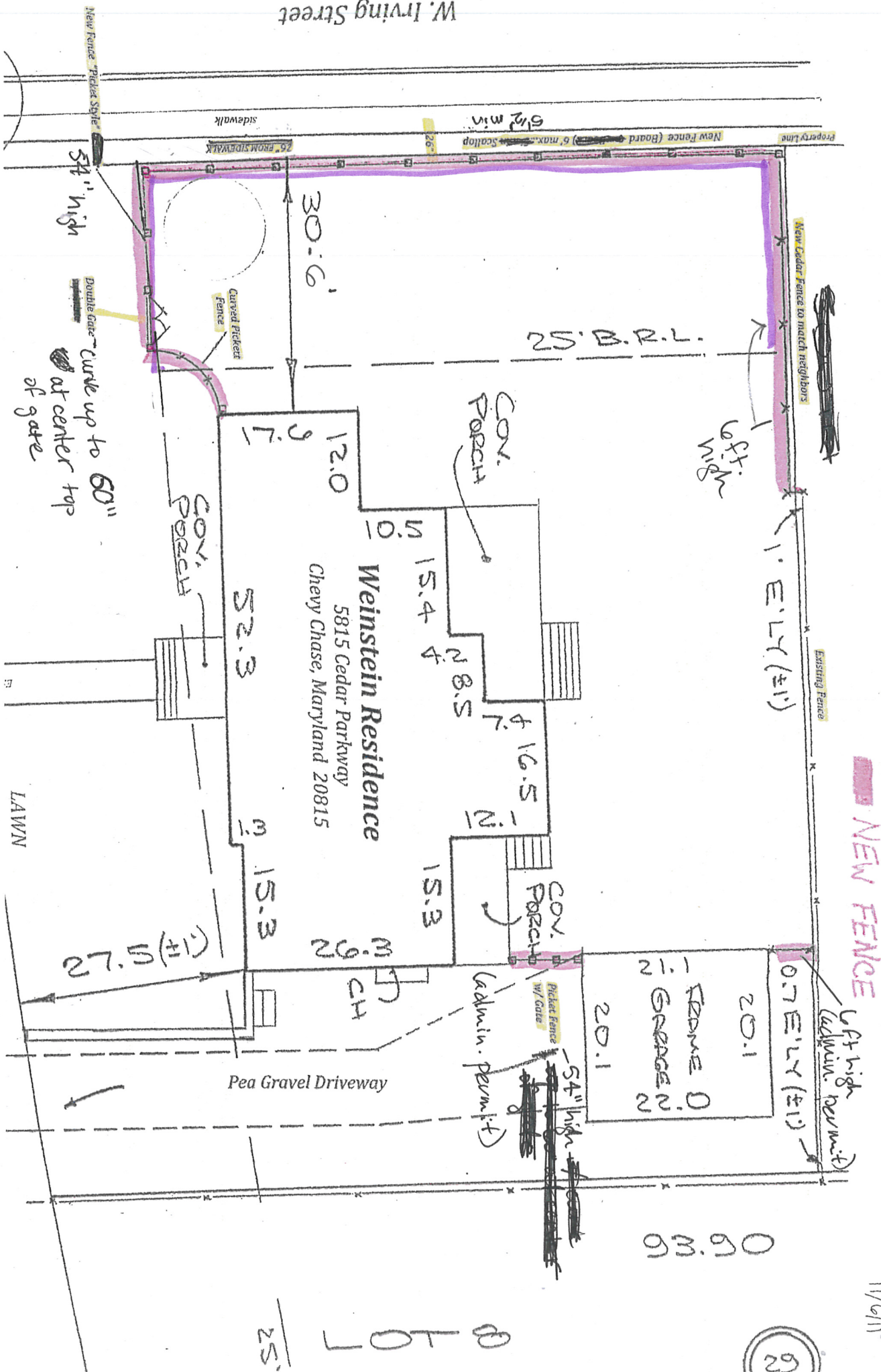
The quality and style of the proposed fencing are consistent with the high standards of the Village. The fencing will not adversely affect the public health, safety or welfare, nor the reasonable use of anyone in the Village.

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of the Village Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

<b>Variance Filing Fee</b>	<b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input checked="" type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____	<b>Date Paid:</b> 11/21/11 <b>Staff Signature:</b> 
<b>Fee Paid:</b> \$300.00	

W. Irving Street

NORTH





SCALE  
1" = 20'

CEDAR (100' R/W) PARKWAY

$$A = 125.38$$
$$R = 1230.65$$

IRVING (60' R/W) STREET

## CURB 2

## SIDEWALK

264

29

25' B.R.L.

PART OF  
LOT 9

12,368  $\frac{1}{2}$

2-STORY  
FRAME  
#5815

C/S  
PATIO

1- STORY  
FRAME  
GARAGE

GRAVEL DRIVEWAY

S 89° 59' 15" W  $\psi$  93.10

LOT 8

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the

STATE OF MARYLAND

W.L.MEEKINS, INC.  
LOCATION

...Ritchie  
...Road...

W.L. Meekins,  
Inc.

—Old  
Forestville

# Road CAPITAL

ELTWAT-





Note: In order for Walpole Woodworkers, Inc. to begin construction on this job, all drawings must be approved and signed by the CUSTOMER and/or ARCHITECT / CONTRACTOR.

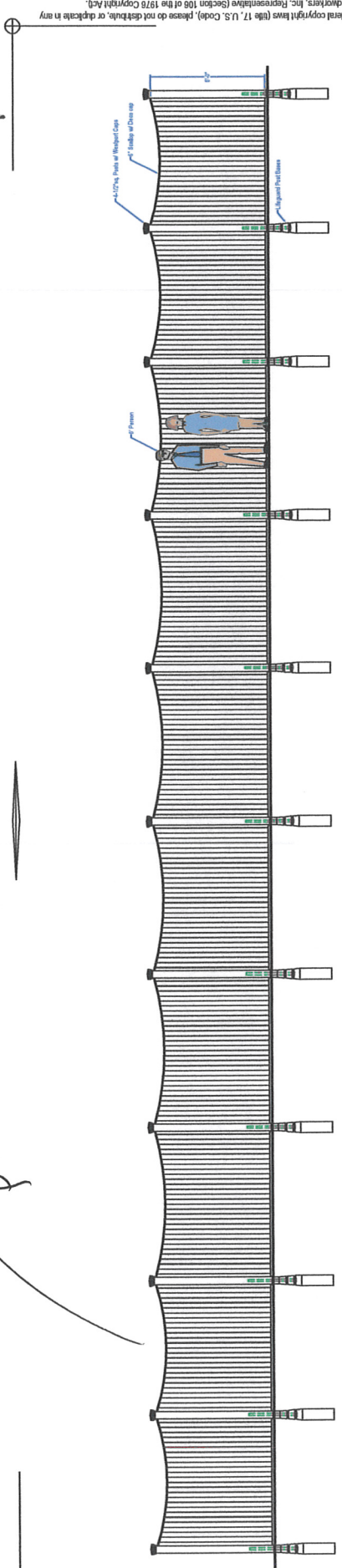
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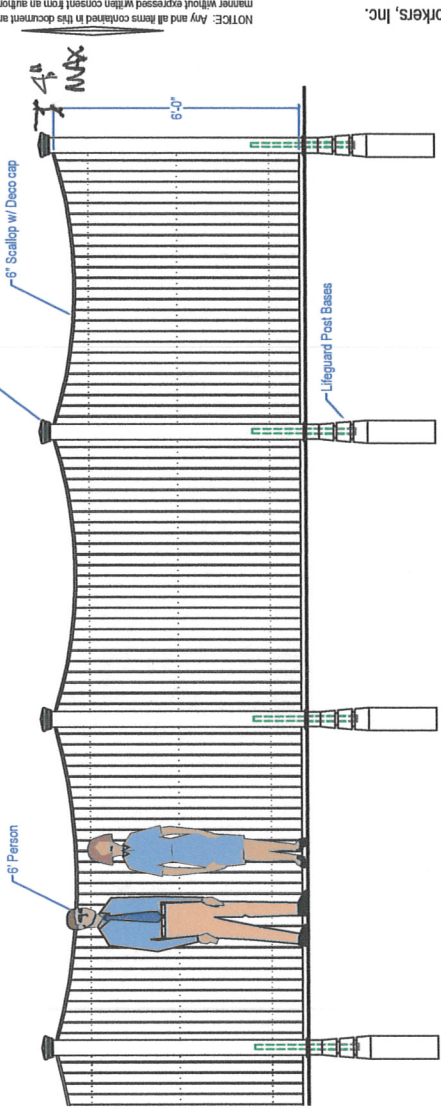
LEFT SIDE PROPERTY LINE -  
VIEW FROM IRVING ST.

6 ft scalloped board fence in dark green - 5 1/2 ft high at dip / low point in scallop - fence is 26" from sidewalk & 4" square posts w/ caps



1 Street Line Elevation  
not to scale

4" square posts w/ beveled tops



closer view →

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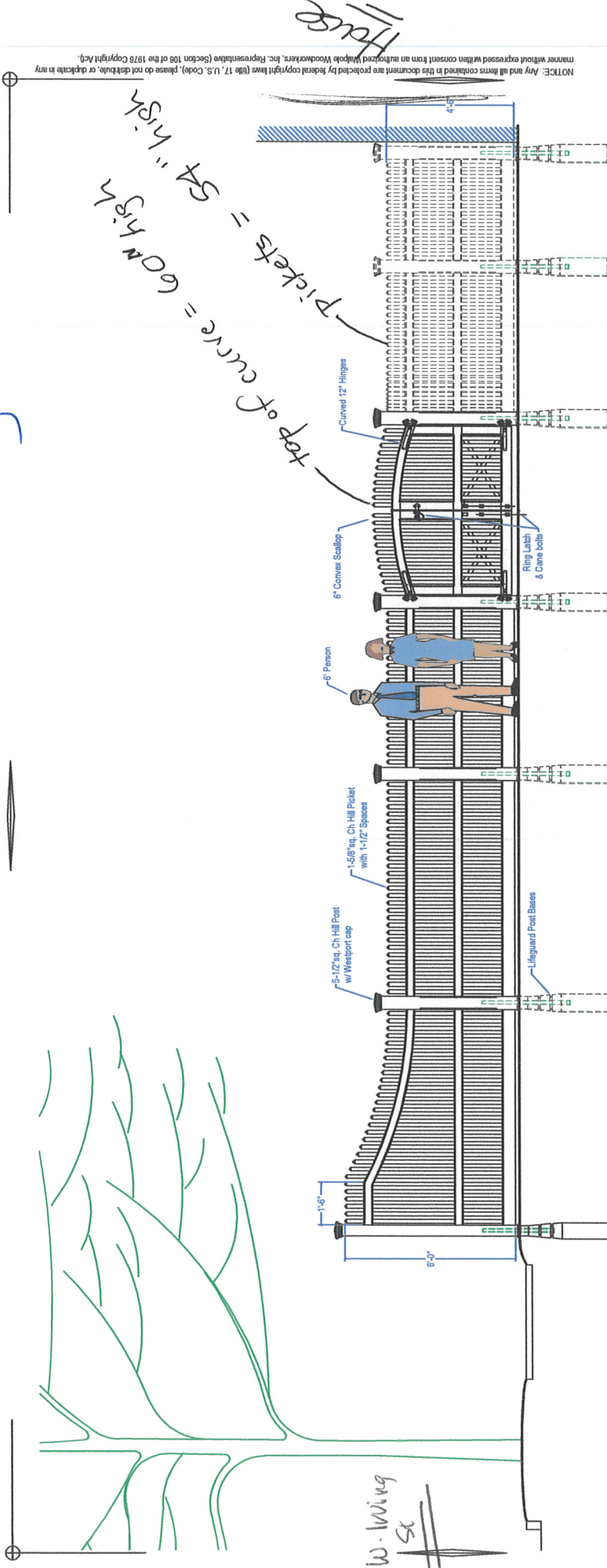
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Customer Signature / Date :	Project:	Salesperson: S. Goggin	Date Drawn: 11-18-11
	Weinstein Residence - Chevy Chase, MD	Branch: Great Falls	Drawn By: SDD
	Contractor: -----	Order #: 386795	Rev. Date: xxx
Walpole Woodworkers®		Mgr. Approval:	

2.1

LEFT OF HOUSE - VIEW  
FROM CEDAR PKWY



1 Chestnut Hill Elevation  
not to scale

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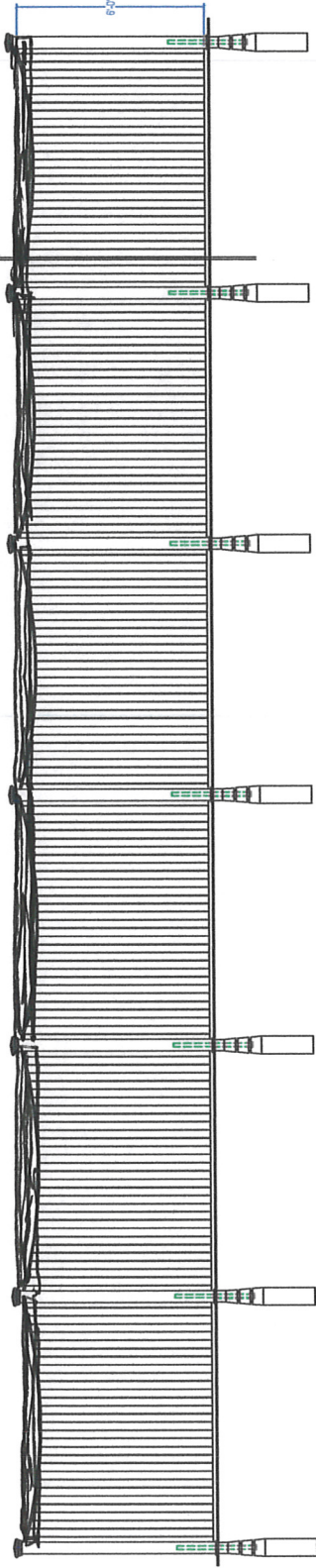
Customer Signature / Date :	Project: Weinstein Residence - Chevy Chase, MD		Salesperson: S. Goggin	Date Drawn: 11-18-11
	Contractor: -----		Branch: Great Falls	Drawn By: SDD
Walpole Woodworkers®		Order #: 386795		Rev. Date: xxx
		Mgr. Approval:		2.2

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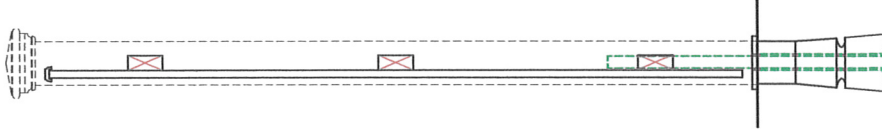


REAR PROPERTY LINE - VIEW FROM BACK OF HOUSE

6' high unstained cedar fence



1 Back Line Elevation  
not to scale



2 Princeton Fence Section  
not to scale

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Customer Signature / Date : \_\_\_\_\_

Project: Weinstein Residence - Chevy Chase, MD  
Contractor: -----

Salesperson: S. Goggin  
Branch: Great Falls  
Order #: 386795

Date Drawn: 11-18-11  
Drawn By: SDD  
Rev. Date: xxx  
Mgr. Approval:

2.0

**Walpole Woodworkers®**

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